UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
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AARON JABOT,

                              Plaintiff,
                                                            1:15-CV-725
v.   (GTS/DEP)

FREDERICK RENCH, Attorney; JOHN HALL, County
Court Judge, Washington County; ANDERSON, Assistant
District Attorney, Washington County; A. JORDAN,
District Attorney, Washington County; and MARIE
DECARLO-DROST, Administrator, Public Defender's
Office, Washington County,

                              Defendants.
_____

APPEARANCES:

AARON JABOT, 15-I-0006
  Plaintiff, *Pro Se*
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Aaron Jabot

("Plaintiff") against the four above-captioned individuals ("Defendants"_ pursuant to 42 U.S.C.

§ 1983 following an indictment and criminal trial in Washington County, New York, is the

Report-Recommendation of United States Magistrate Judge David E. Peebles recommending

that Plaintiff's Complaint be *sua sponte* dismissed for failure to state a claim upon which relief

can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and 1915A(b) with leave to replead his

First and Fourteenth Amendment claims within thirty (30) days of the Court's Decision and

Order. (Dkt. No. 13.) Plaintiff has not filed an objection to the Report-Recommendation and the

deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing

the relevant papers herein, including Magistrate Judge Peebles' thorough Report-

Recommendation, the Court can find no clear-error in the Report-Recommendation.[1] Magistrate

Judge Peebles employed the proper standards, accurately recited the facts, and reasonably

applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted

in its entirety for the reasons set forth therein, and Plaintiff's Complaint will be dismissed in its

entirety, unless, within thirty (30) days of the date of this Decision and Order, Plaintiff files an

Amended Complaint that cures the pleading defects in his First and Fourteenth Amendment

claims in accordance with the Report-Recommendation.[2]

   ACCORDINGLY, it is

   ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 13) is

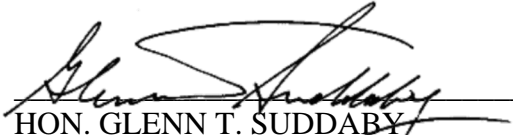**ACCEPTED** and **ADOPTED** in its entirety; and it is further

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[1]   When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

[2]   The Court notes that, rather than dismiss Plaintiff's Complaint at this time with leave to replead within thirty days, the Court prefers to dismiss Plaintiff's Complaint in thirty days if a sufficient Amended Complaint is not filed by that time, in order to make clear its retention of jurisdiction over this action during the period of time between the issuance of this Decision and Order and the submission of any Amended Complaint.

ORDERED that Plaintiff's Complaint (Dkt. No. 1) shall be **<u>DISMISSED</u>** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and 1915A(b) without further Order of this Court, unless within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff submits an Amended Complaint that cures the pleading defects in his First and Fourteenth Amendment claims in accordance with the Report-Recommendation; and it is further

ORDERED that any Amended Complaint submitted by Plaintiff is referred to Magistrate Judge Peebles for his review.

Dated: March 22, 2016
      Syracuse, New York

                                              HON. GLENN T. SUDDABY
                                              Chief United States District Judge